

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Applicants:** Nitin Jhingan

**Examiner:** David J. Clark

**Serial No.:** 10/687,896

**Art Unit:** 3628

**Filed:** October 17, 2003

**Docket:** END920030059US1 (16844)

**For:** ORDER STATUS ON-DEMAND AGENT    **Dated:** October 7, 2009

**Confirmation No.:** 9806

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COPY**

**APPEAL BRIEF**

Sir:

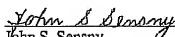
Pursuant to 35 U.S.C. §134 and 37 C.F.R. §41.37, entry of this Appeal Brief in support of the Notice of Appeal filed August 7, 2009, in the above-identified matter is respectfully requested.

---

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website.

Date: October 7, 2009

  
\_\_\_\_\_  
John S. Sensny

**I. Statement of Real Party in Interest**

The real party in interest in the above-identified patent application is the International Business Machines Corporation.

**II. Statement of Related Appeals and Interferences**

There are no other prior or pending appeals, interferences or judicial proceedings known to appellants, the appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **III. Status of Claims**

#### **A. Claim Status**

Claim 1 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 2 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 3 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 4 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 5 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 6 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 19 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 20 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 21 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 22 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 23 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.) and further in view of U.S. Patent 7,187,973 (Monteleone, et al.)

Claim 24 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 25 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 26 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 27 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 29 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 30 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 31 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

Claim 32 stands rejected based on 35 U.S.C. 103 as being unpatentable over U.S. patent application publication no. 2002/0099796 (Chou) in view of U.S. patent application publication no. 2002/0046051 (Katzman, et al.).

## **B. Appealed Claims**

Claims 1-6 and 19-32 are appealed. A clean copy of these claims is contained in Appendix A to this Appeal Brief.

#### **IV. Status of Amendments**

Subsequent to the final rejection, an Amendment was filed under 37 C.F.R. 1.116 to correct an informality noted by the Examiner in Claim 29, and specifically, to add a period at the end of the claim. Applicants have not been advised whether this Amendment has been entered.

V. Summary of Claimed Subject Matter

Concise explanation of the subject matter of claim 1

Claim 1 is directed to a method of creating and providing information about a requisition order 14 (Page 2, lines 5 and 6; Page 3, lines 1-3). This method comprises the steps of providing an automated agent 20 for receiving and identifying a set of inquiries about the requisition order 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27), and for each identified inquiry, preparing an associated response 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27); and a user 22 transmitting to the agent one of said set of inquiries (Page 3, lines 8-10; Page 4, lines 7-10); the agent 20 identifying the transmitted inquiry and preparing the associated response (Page 3, lines 8-10; Page 4, lines 7-10). The method of Claim 1 also comprises the steps of using an instant messaging system 12 to send said associated response from the agent 20 to the user 22 (Page 2, lines 9 and 10; Page 3, lines 6-9); and the user 22 initiating an instant messaging session with the agent 20 via the instant messaging system 12 (Page 3, lines 8 and 9; Page 4, lines 1 and 2). The user 22 and the agent 20 create the requisition order 14 during said instant messaging session (Page 4, lines 24-26) by interactively communicating with each other during said instant messaging session via the instant messaging system (Page 4, lines 24-26), thereby eliminating the need to use a Web site to create the requisition order 14 (Page 4, lines 24-26). Claim 1 includes the additional limitation that the agent 20 helps the user 22 create orders through a chat window (Page 4, lines 24 and 25).

Concise explanation of the subject matter of claim 19

Claim 19 is directed to a method of creating and providing information about a requisition order 14 (Page 2, lines 5 and 6; Page 3, lines 1-3). This method comprises the steps of providing an automated agent 20 for receiving and identifying a set of inquiries about the requisition order 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27), and for each identified inquiry, preparing an associated response 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27); using an application program interface for connecting the agent 20 with an instant messaging system 12 (Page 4, lines 11-14); and a user 22 transmitting one of said set of inquiries utilizing the instant messaging system (Page 2, lines 8-10; Page 4, lines 7-10). Claim 19 includes the additional steps of the agent 20 receiving said one of the inquiries utilizing said application program interface (Page 4, lines 15 and 16); and the agent 20 identifying said one of the inquiries and preparing the associated response (Page 2, lines 8-10; Page 4, lines 7-10). The application program interface is used to send said associated response from the agent 20 to the user 22 via the instant messaging system 12 (Page 4, lines 16-18); and the user 22 initiates an instant messaging session with the agent 20 via the instant messaging system 12 (Page 3, lines 8 and 9; Page 4, lines 1 and 2).

The method of Claim 19 includes the further steps of the user 22 and the agent 20 creating the requisition order 14 during said instant messaging session by interactively communicating with each other during said instant messaging session (Page 4, lines 24-26) via the instant messaging system 12, thereby eliminating the need to use a Web site to create the requisition order 14 (Page 4, lines 24-26). Claim 19 includes the additional limitation that the agent 20 helps the user 22 create orders through a chat window (Page 4, lines 24 and 25).

Concise explanation of the subject matter of Claim 24.

Claim 24 is dependent from Claim 1 and adds the limitation that both the user 22 and the agent 20 must be currently logged on to the instant messaging system 12 in order for a message to be sent from the user to the agent (Page 3, lines 22-27).

Concise explanation of the subject matter of Claim 25

Claim 25 is directed to a system (Fig. 1) for providing information about a requisition order 14 (Page 2, lines 5 and 6; Page 3, lines 1-3). This system comprises an automated agent 20 for receiving and identifying a set of inquiries 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27), and for each identified inquiry, preparing an associated response 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27); and a user station 22 for transmitting to the agent 20 one of said set of inquiries, wherein the agent identifies the transmitted inquiry and prepares the associated response (Page 2, lines 8-10; Page 4, lines 7-10). Claim 25 also includes means connecting the agent 20 to an instant messaging system (Page 4, lines 11-13) to send said associated response from the agent to the user station 14 (Page 2, lines 5 and 6; Page 3, lines 1-3), and wherein a user at the user station 22 initiates an instant messaging session with the agent via the instant messaging system (Page 4, lines 24-28). The user and the agent 20 create the requisition order 14 during said instant messaging session (Page 4, lines 24-26) by interactively communicating with each other during said instant messaging session via the instant messaging system (Page 4, lines 24-26), thereby eliminating the need to use a Web site to create the requisition order 14 (Page 4, lines 24-26).

Concise explanation of the subject matter of Claim 29

Claim 29 defines a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for providing information about a requisition order 14 (Page 2, lines 5 and 6; Page 3, lines 1-3), wherein an automated agent 20 is provided for receiving and identifying a set of inquiries 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27), and for each identified inquiry, preparing an associated response 14 (Page 2, lines 6-8; Page 3, lines 6-9; Page 4, lines 7-10 and 24-27), and a user 22 transmits to the agent one of said set of inquiries (Page 2, lines 8-10; Page 4, lines 7-10). These method steps comprise the agent 20 identifying the transmitted inquiry and preparing the associated response (Page 2, lines 8-10; Page 4, lines 7-10); using an instant messaging system 12 to send said associated response from the agent 20 to the user 22 (Page 2, lines 9 and 10; Page 3, lines 6-9); and the user 22 initiating an instant messaging session with the agent 20 via the instant messaging system 12 (Page 3, lines 8 and 9; Page 4, lines 1 and 2). The method steps of Claim 29 also comprise the user 22 and the agent 20 creating the requisition order 14 during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system (Page 4, lines 24-26), thereby eliminating the need to use a Web site to create the requisition order 14 (Page 4, lines 24-26).

Identification of means plus function and step plus function under 35 U.S.C. 112, and identification of the structure, materials or acts described in the specification as corresponding to each claimed function

### Claim 1

#### Claim 1 includes the following step plus functions

1. providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response;

#### Corresponding structure, material or acts

This is done by the agent 20 (Page 2, lines 6-8; Page 4, lines 1-6).

2. a user transmitting to the agent one of said set of inquiries;

#### Corresponding structure, material or acts

This is done by the user 22 (Page 2, lines 8-10; Page 4, lines 1-10).

3. the agent identifying the transmitted inquiry and preparing the associated response.

#### Corresponding structure, material or acts

This is done by the agent 20 (Page 2, lines 6-8; Page 4, lines 1-10).

4. using an instant messaging system to send said associated response from the agent to the user;

#### Corresponding structure, material or acts

This is done by the agent 20 (Page 2, lines 9 and 10; Page 4, lines 17 and 18).

5. the user initiating an instant messaging session with the agent via the instant messaging system;

#### Corresponding structure, material or acts

This is done by the user 22 (Page 4, lines 1 and 2, and lines 24-27).

6. the user and the agent creating the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order.

Corresponding structure, material or acts

This is done by the user 22 and the agent 20 (Page 3, lines 6-9; Page 4, lines 24-27).

**Claim 19**

Claim 19 includes the following step plus functions

1. providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response;

Corresponding structure, material or acts

This is done by the agent 20 (Page 2, lines 6-8; Page 4, lines 1-6).

2. using an application program interface for connecting the agent with an instant messaging system;

Corresponding structure, material or acts

This is done by the application program interface (Page 4, lines 11-18).

3. a user transmitting one of said set of inquiries utilizing the instant messaging system;

Corresponding structure, material or acts

This is done by the user 22 (Page 2, lines 8-10; Page 4, lines 1-10).

4. the agent receiving said one of the inquiries utilizing said application program interface;

Corresponding structure, material or acts

This is done by the agent 20 (Page 4, lines 11-18).

5. the agent identifying said one of the inquiries and preparing the associated response;

Corresponding structure, material or acts

This is done by the agent 20 (Page 4, lines 11-18).

6. using the application program interface to send said associated response from the agent to the user via the instant messaging system;

Corresponding structure, material or acts

This is done by the agent 20 (Page 4, lines 11-18).

7. the user initiating an instant messaging session with the agent via the instant messaging system.

Corresponding structure, material or acts

This is done by the user 22 (Page 4, lines 1 and 2, and lines 24-27).

8. the user and the agent creating the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via

the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order.

Corresponding structure, material or acts

This is done by the user 22 and the agent 20 (Page 3, lines 6-9; Page 4, lines 24-27).

Claim 24 does not have any means or step plus function clauses.

Claim 25

Claim 25 includes the following means plus function

1. means connecting the agent to an instant messaging system to send said associated response from the agent to the user station.

Corresponding structure, material or acts

This “means” is the application program interface (Page 4, lines 11-18).

Claim 29

Claim 29 includes the following step plus function

1. the agent identifying the transmitted inquiry and preparing the associated response;

Corresponding structure, material or acts

This is done by the agent 20 (Page 2, lines 6-8; Page 4, lines 1-10).

2. using an instant messaging system to send said associated response from the agent to the user;

Corresponding structure, material or acts

This is done by the agent 20 (Page 2, lines 9 and 10; Page 4, lines 17 and 18).

3. the user initiating an instant messaging session with the agent via the instant messaging system.

Corresponding structure, material or acts

This is done by the user 22 (Page 4, lines 1 and 2, and lines 24-27).

4. the user and the agent creating the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order.

Corresponding structure, material or acts

This is done by the user 22 and the agent 20 (Page 3, lines 6-9; Page 4, lines 24-27).

**VI. Grounds of Rejection to be Reviewed On Appeal**

Appellants ask that the following grounds be reviewed:

1. Whether Claims 1-6, 19-22 and 24-32 are unpatentable under 35 U.S.C. §103 over Chou in view of Katzman, et al.
2. Whether Claim 23 is unpatentable under 35 U.S.C. 103 over Chou in view of Katzman, et al. and Monteleone, et al.
3. Whether Claims 24 is unpatentable under 35 USC §103 over Chou in view of Katzman, et al.

Appellants note that the patentability of Claim 23 is not being separately argued; however, Claim 23 is dependent from Claim 1 and patentably distinguishes over the prior art with Claim 1.

## **VII. Argument**

### **A. Rejection of Claims 1-6 and 19-32.**

The rejections of the claims are improper because the prior art does not disclose or render obvious the feature of a user and an agent creating a requisition order during an instant messaging session by interactively communicating with each other during an instant messaging session, thereby eliminating the need to use a Web site to create the requisition order, as described in independent Claims 1, 19, 25 and 29. Claim 1 is representative of Claims 19, 25 and 29.

#### **1. This invention**

The present invention related to a procedure for using instant messaging to provide and receive information about requisition orders over the Internet or other computer network. As discussed in detail in the present application, in a requisition system, it is desirable that the individual who has submitted a purchase request or order have continuous, timely access to the status of the order. One challenge to an Internet based requisitioning system is to provide this access. This challenge is complicated by the fact that, in an Internet based system, a requisition order may be acted upon by a number of people in different parts of the world. One way to provide status access is to use a Web interface. There are, however, a number of disadvantages to this approach. One important disadvantage is that, to use a Web based solution, the user must log on to the Web site, go through the profile creation process, navigate through the Web site to a search section, and then search for their order. This is time consuming and can be complicated or difficult for some users.

The present invention effectively addresses this and other challenges.

One embodiment of the invention relates to a method of creating and providing information about a requisition order. This method comprises providing an automated agent for receiving and identifying a set of inquiries about the requisition order; and for each identified inquiry, preparing an associated response. In this method, a user transmits to the agent one of the set of inquiries, the agent identifies the transmitted inquiry and prepares the associated response, and an instant messaging system is used to send the associated response from the agent to the user.

Also, the user initiates an instant messaging session with the agent via the instant messaging system, and the user and the agent create the requisition order during the instant messaging session by interactively communicating with each other during the instant messaging session via the instant messaging system. This eliminates the need to use a Web site, and its associated complications and delays, to create the requisition order.

The prior art does not disclose or render obvious creating a requisition order in the above-described way.

## 2. The Prior Art

### a. Chou

For instance, Chou describes a system for generating a requisition order. In one disclosed embodiment, a client computer system is configured to allow a plurality of users to access a server computing system. The server computer system assigns each user to work site, and identifies items which may, and items which may not, be requisitioned by a user from the work site. The server computer system receives a request for the requisition of one or more items

selected by a user, and verifies that each requested item is an item that may be requisitioned by a user at the work site with which the user is associated.

As it is believed the Examiner has recognized, Chou does not employ an instant messaging system in the requisition process. In order to address this, the Examiner cites Katzman.

b. Katzman

Katzman discloses an electronic concession stand application that provides for users to view and purchase products on-line from suppliers. One embodiment provides direct targeted marketing and order fulfillment between purchasers and suppliers of goods and services. An order wizard is provided to present a categorized list of goods and services and allows members to access local vendors, and the order wizard allows for direct communication via e mail, chat, and other Internet technologies. In one example of the electronic concession stand application, discussed in paragraphs 99 and 100 of Katzman, an instant message may be used to confirm that suppliers will be able to deliver.

c. Monteleone, et al.

Monteleone, et al. discloses a procedure for purchasers to enter product orders electronically. In this procedure, the purchasers have immediate access to order and shipment status via a network application. Monteleone, et al. was cited by the Examiner primarily for its disclosure of an agent returning to the user a list of order identifications and sending to the user a list of approvers.

3. Differences between the Claims 1, 19, 25 and 29 and the prior art.

As indicated above, the prior art does not disclose or render obvious the above-described way in which a user and an agent create a requisition order. More specifically, the prior art does

not disclose or render obvious the user and the agent creating the requisition order during an instant messaging session by interactively communicating with each other during the instant messaging session, thereby eliminating the need to use a Web site to create the requisition order, as described in independent Claims 1, 9, 25 and 29.

Chou describes a system for generating a requisition order, however, as the Examiner has recognized, there are a number of important features of the present invention that are not disclosed in or rendered obvious by Chou. For instance, Chou does not employ an instant messaging system in the requisition process. In order to address this, the Examiner cites Katzman.

It is important to recognize that there is an important difference between Katzman and the procedure of the present invention - in the present invention, the instant message is used to create the order, while in Katzman, the instant message is used to confirm delivery, but not to create the order. This difference is significant because, as a result, the present invention enables the requisition to be completely prepared without the need to access a Web site, which for some users can be complicated, time consuming and difficult. The present invention, in contrast to the procedure disclosed in Katzman, totally eliminates the need to access and use a Web site in order to create the requisition order

Monteleone, et al, as mentioned above, discloses a procedure for purchasers to enter product orders electronically, and this reference was cited by the Examiner primarily for its disclosure of an agent returning to the user a list of order identifications and sending to the user a list of approvers. There is no disclosure, though, in Monteleone, et al of the user and agent creating the order during the instant messaging session

Independent Claims 1, 19, 25 and 29 describe this feature of the present invention. In particular, these claims describe the feature that the user and the agent create the requisition order during the instant messaging session by interactively communicating with each other during the instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order.

Appellants respectfully submit that it is critical to guard against the use of hindsight to read into the prior art teachings of the present invention. The Supreme Court, in KSR v. Teleflex, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007), reiterated the importance of this safeguard. Specifically, the Supreme Court in KSR repeated instructions from Graham v. John Deere, 338 US1 (1966) to “guard against slipping into the use of hindsight” KSR, supra. As mentioned above, Claim 1 describes specific functions performed by the user and the agent. Appellants respectfully submit that, in the present case, the Examiner, in arguing that it would have been obvious to have the user and the agent work together to perform these specific functions, has engaged in hindsight modification of the prior art – that is, reading the teaching of the present invention into that prior art.

Because of the above-discussed differences between Claims 1, 19, 25 and 29 and the combination of Chou and Katzman, et al. and because of the advantages associated with those differences, Claims 1, 19, 25 and 29 patentably distinguish over the prior art and are allowable. Claims 2-6, 23 and 24 are dependent from Claim 1 and are allowable therewith, and Claims 20-24 are dependent from, and are allowable with, Claim 19. Claims 26-28 are dependent from Claim 25 and are allowable therewith; and Claims 30-32 are dependent from, and are allowable with, Claim 29.

The Board is, accordingly, respectfully requested to reverse the rejections of Claims 1-6 and 19-32 under 35 U.S.C. 103 as being unpatentable over the prior art.

**B. Rejection of Claim 24 under 35 U.S.C. §103**

Claim 24 is dependent from Claim 1 and adds a significant limitation. Specifically, Claim 24 add the limitation that both the user and the agent must be currently logged on to the instant messaging system in order for a message to be sent from the user to the agent. This feature, which is discussed on page 3, paragraph (16) of the specification, is of utility because as a result, the message from the user to the agent can be delivered nearly instantly.

The prior art does not operate in this way. For example, the procedure disclosed in Chou does not employ instant messaging, and thus clearly there is no requirement that both the user and the agent be currently logged on to an instant messaging system in order for a message to be sent from the user to the agent. Katzman, et al. disclosed the use of instant messaging, but instant messaging is used to confirm delivery, not to place, the order. Moreover, there is no reason to modify the procedure described in Katzman, et al. to require that both the user and the agent be currently logged on to the instant messaging system in order for a message to be sent from the user to the agent, because any such message can be sent via any one of the other technologies used in the Katzman, et al. procedure. There is no need, in the Katzman, et al. procedure for ensuring instantaneous transmission of messages from the user to the agent via the instant messaging system. With the invention of Claim 24, that assurance is obtained – with the invention of Claim 24, any message that is sent, is sent instantly.

Because the prior art does not disclose or render obvious the subject matter expressly set forth in Claim 24, this claim separately patentably distinguishes over the prior art.

## **VII. Conclusion**

There are, thus, important differences between Claims 1, 19, 23, 25, and 29 and the prior art, and significant advantages associated with those differences. For these reasons, Claims 1, 19, 23, 25 and 29 patentably distinguish over the prior art and are allowable. Claims 2-6, 23 and 24 are dependent from Claim 1 and are allowable therewith, and Claims 20-24 are dependent from, and are allowable with, Claim 19. Also, Claims 26-28 are dependent from Claim 25 and are allowable therewith; and Claims 30-32 are dependent from, and are allowable with, Claim 29.

Accordingly, the rejections of Claims 1-6 and 19-32 under 35 U.S.C. §103, are not proper, and the Board of Appeals is respectfully requested to reverse these rejections.

# **VIII. Claims Appendix**

A clean copy of Claims 1-6 and 19-32 is contained in Appendix A to this Appeal Brief.

**IX. Evidence Appendix**

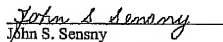
Appellants are not relying on any affidavits, extrinsic documents or extrinsic evidence.

**X. Related Proceedings Appendix**

As indicated above, there are no other prior or pending appeals, interferences or judicial proceedings known to appellants, the appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Respectfully submitted,

Dated: October 7, 2009

  
John S. Sensny  
Registration No. 28,757  
Attorney for Applicants

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

JSS:gc  
Enclosure: Appendix A

## APPENDIX A

1. A method of creating and providing information about a requisition order, comprising the steps:

providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response;

a user transmitting to the agent one of said set of inquiries;

the agent identifying the transmitted inquiry and preparing the associated response;

using an instant messaging system to send said associated response from the agent to the user;

the user initiating an instant messaging session with the agent via the instant messaging system;

and

the user and the agent creating the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order, wherein the agent helps the user create orders through a chat window.

2. A method according to Claim 1, for use with a given requisition system, and further comprising the steps of:

the user submitting the requisition order to the requisition system; and

providing the agent with access to the requisition system to transmit information to and to receive information from the requisition system.

3. A method according to Claim 2, further comprising the step of the agent, in response to identifying the transmitted inquiry, accessing the requisition system to obtain an answer to the transmitted inquiry.

4. A method according to Claim 1, wherein the step of the user transmitting to the agent one of said set of inquiries includes the step of the user using the instant messaging system to transmit to the agent said one of the set of inquiries.

5. A method according to Claim 1, wherein:

the step of the user initiating a session with the agent includes the step of the user transmitting to the agent a request to initiate preparation of the requisition order;

the step of the agent preparing the associated response includes the step of the agent preparing a set of prompts to obtain information from the user about the requisition order; and

the step of using the instant messaging system includes the step of using the instant messaging system to send the set of prompts to the user.

6. A method according to Claim 5, further comprising the steps of:

the user, in response to receiving the set of prompts, providing said information to the agent; and  
the agent using said provided information to complete the requisition order, and sending the completed requisition order to a given requisition system.

Claims 7-18 (Cancelled)

19 A method of creating and providing information about a requisition order, comprising the steps:

providing an automated agent for receiving and identifying a set of inquiries about the requisition order, and for each identified inquiry, preparing an associated response;

using an application program interface for connecting the agent with an instant messaging system;

a user transmitting one of said set of inquiries utilizing the instant messaging system;

the agent receiving said one of the inquiries utilizing said application program interface;

the agent identifying said one of the inquiries and preparing the associated response;

using the application program interface to send said associated response from the agent to the user via the instant messaging system;

the user initiating an instant messaging session with the agent via the instant messaging system;  
and

the user and the agent creating the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order, wherein the agent helps the user create orders through a chat window.

20. A method according to Claim 19, for use with a given requisitioning system, comprising the further step of using a database connection program to connect the agent with the requisitioning system and to enable the agent to send messages to and to receive data from said requisitioning system.

21. A method according to Claim 20, wherein:

said one of the inquiries asks for specific information from the requisitioning system;

the step of the agent preparing the associated response includes the step of, the agent using the database connection program to access the requisitioning system to obtain said specific information; and

the step of using the application program interface to send the response to the user includes the steps of the agent sending said specific information to the application program interface, and said application program interface sending said specific information, via the instant messaging system, to the user.

22. A method according to Claim 21, wherein said one of the inquiries asks for the status of the requisition order.

23. A method according to Claim 1, comprising the further step of:

the agent providing to the user an address of a Website where the user can get more information about the requisition order; and

wherein the step of using the instant messaging system to send the associated response includes the steps of:

- i) the agent returning to the user a list of order identifications for the user, and
- ii) the agent sending to the user a list of approvers currently assigned to the requisition order.

24. The method according to Claim 1, wherein both the user and the agent must be currently logged on to the instant messaging system in order for a message to be sent from the user to the agent.

25. A system for providing information about a requisition order, comprising:  
an automated agent for receiving and identifying a set of inquiries, and for each identified inquiry, preparing an associated response;  
a user station for transmitting to the agent one of said set of inquiries; wherein the agent identifies the transmitted inquiry and prepares the associated response; and  
means connecting the agent to an instant messaging system to send said associated response from the agent to the user station;  
wherein a user at the user station initiates an instant messaging session with the agent via the instant messaging system, and the user and the agent create the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order.

26. A system according to Claim 25, for use with a given requisition system and wherein a user prepares the requisition order and submits the order to the requisition system, the system further comprising means for providing the agent with access to the requisition system to transmit information to and to receive information from the requisition system.

27. A system according to Claim 26, wherein the agent, in response to identifying the transmitted inquiry, accesses the requisition system to obtain an answer to the transmitted inquiry.

28. A system according to Claim 25, wherein the user station transmits to the agent a request to initiate preparation of the requisition order, and wherein:  
the agent includes means to prepare a set of prompts to obtain information from the user about the requisition order; and  
the agent uses the instant messaging system to send the set of prompts to the user.

29. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for providing information about a requisition order, wherein an automated agent is provided for receiving and identifying a set of inquiries, and for each identified inquiry, preparing an associated response, and a user transmits to the agent one of said set of inquiries, said method steps comprising:  
the agent identifying the transmitted inquiry and preparing the associated response;  
using an instant messaging system to send said associated response from the agent to the user;

the user initiating an instant messaging session with the agent via the instant messaging system;  
and

the user and the agent creating the requisition order during said instant messaging session by interactively communicating with each other during said instant messaging session via the instant messaging system, thereby eliminating the need to use a Web site to create the requisition order

30. A program storage device according to Claim 29, for use with a given requisition system, and wherein the user prepares the requisition order and submits the order to the requisition system; and the method comprises the further step of providing the agent with access to the requisition system to transmit information to and to receive information from the requisition system.

31. A program storage device according to Claim 30, wherein the method comprises the further step of the agent, in response to identifying the transmitted inquiry, accessing the requisition system to obtain an answer to the transmitted inquiry.

32. A program storage device according to Claim 29, wherein the user transmits to the agent a request to initiate preparation of the requisition order, and wherein:  
the step of the agent preparing the associated response includes the step of the agent preparing a set of prompts to obtain information from the user about the requisition order; and  
the step of using the instant messaging system includes the step of using the instant messaging system to send the set of prompts to the user.

**TRANSMITTAL OF APPEAL BRIEF (Large Entity)**Docket No.  
END920030059US

In Re Application Of: Nitin Jhingan

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/687,896	October 17, 2003	David J. Clark	23389	3628	9806

Invention: ORDER STATUS ON-DEMAND AGENT

COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:

The fee for filing this Appeal Brief is: \$540.00

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0457/IBM. I have enclosed a duplicate copy of this sheet.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

John S. Sensny  
Signature

John S. Sensny  
Registration No. 28,757

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

Dated: October 7, 2009

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.9(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: